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ATTORNEYS AT LAW

PATENT, TRADEMARK AND COPYRIGHT CAUSES

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January 16, 2007

Attn: Latrice Simms

Please process a refund to our deposit account for the filing fee(s) charged to our account on January 16, 2007 under fee code 2401 and 2402:

Application #:	10/048,592
Amount Charged:	\$250.00
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We placed a notation on the transmittal letter, so no fee should be due for the filing of the brief or the appeal, pursuant to MPEP 1207.4

If you need to contact me, I can be reached at (402) 392-2280.

Sincerely,



Melissa Helm
Accounting

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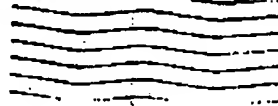
GROSS R. MACHIA
Serial No. 10/048,583

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NO. 335 P. 2

JAN. 19. 2007 11:27AM THOMTE LAW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Application of R. MICHAEL GROSS]	BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
Serial No.:	10/046,592]	
Filed:	January 14, 2002]	
Title:	METHOD AND MEANS FOR CEMENTING A LINER ONTO THE FACE OF THE GLENOID CAVITY OF A SCAPULA]	Appeal No. _____
Group No.:	3738]	

APPELLANT'S APPEAL BRIEF

Honorable Commissioner of Patents and Trademarks
Alexandria, VA 22313

Dear Sir:

REAL PARTY IN INTEREST

The appellant herein has not assigned his rights to any third party; thus, appellant, R. Michael Gross, is the real party in interest.

RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences that are related to this case.

STATUS OF THE CLAIMS

This is an appeal of the Examiner's final rejection of claims 1-5 and 8-16. Claim 1 is an independent claim. Claims 2-5 and 9-12 each ultimately depend from claim 1. Claim 8 is an independent claim. Claims 13-16 each ultimately depend from claim 8.

GROSS, R. MICHAEL
Serial No. 10/046,592

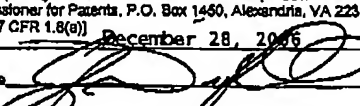

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional)								
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<p>In re Application of R. MICHAEL GROSS</p> <table border="1"> <tr> <td>Application Number 10/046,592</td> <td>Filed January 14, 2002</td> </tr> <tr> <td colspan="2">For Method and Means for Cementing a</td> </tr> <tr> <td colspan="2">liner onto the Face of the Glanoid</td> </tr> <tr> <td>Art Unit 3738</td> <td>Examiner Petligrino, B.</td> </tr> </table>			Application Number 10/046,592	Filed January 14, 2002	For Method and Means for Cementing a		liner onto the Face of the Glanoid		Art Unit 3738	Examiner Petligrino, B.
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Art Unit 3738	Examiner Petligrino, B.									
<p>Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.</p> <p>The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ <u>-0-</u>*</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ <u>-0-</u>*</p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>502093</u>. I have enclosed a duplicate copy of this sheet.</p> <p><input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.</p> <p>* No fee due pursuant to MPEP 1207.4</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>44,974</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> <p>Signature  Typed or printed name <u>SHANE M. NIEBERGALL</u></p> <p>Telephone number <u>(402)392-2280</u></p> <p>Date <u>December 28, 2006</u></p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>										

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NO. 335 P. 5

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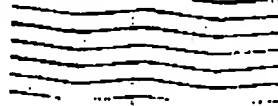
GROSS / R. MACHAB
Serial No. 110/048,502

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Serial No.:	10/046,592]	
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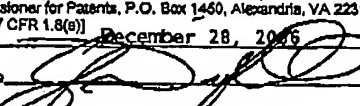
GROSS, R. MICHAEL
Serial No. 10/046,592

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<p align="center">NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</p>		<p>Docket Number (Optional)</p>	
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<p>Signature  Typed or printed name SHANE M. NIEBERGALL</p>		<p>Application Number 10/046,592</p>	<p>Filed January 14, 2002</p>
<p>For Method and Means for Cementing a Liner onto the Face of the Glenoid</p>		<p>Art Unit 3738</p>	<p>Examiner Petigliano, B.</p>
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<p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>44,974</u> <u>(402)392-2280</u> Telephone number</p>			
<p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <u>December 28, 2006</u> Date</p>			
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